



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
NORTHEASTERN REGION
Columbia District Office
9200 Farm House Lane
Columbia, MD 21046
301-725-1996**

August 11, 2011

Wave2Net LLC
Winchester, Virginia

NOTICE OF UNLICENSED OPERATION

Case Number: EB-11-CF-0048
Document Number: W201132340006

On May 10, 2011, an agent from the Enforcement Bureau's Columbia Office responded to a complaint from a Wireless Internet Service Provider regarding interference it was receiving to the wireless system it operates in the 900 MHz band in Winchester, Virginia. The agent confirmed by direction finding techniques that radio emissions were emanating on 913 MHz from a transmitter device operated by Wave2Net LLC ("Wave2Net") on the roof of a residence on Rockwood Trail in Winchester, Virginia. The agent inspected the transmitter device and determined that it was a Motorola Canopy 9000APC AP transmitter (FCC ID ABZ89FC5809) connected to an RF Linx amplifier and filter that was fed into an L-Com flat panel antenna.

The FCC equipment authorization for the Motorola Canopy 9000APC AP limits the device to operations with only certified external antennas within the frequency range of 902 MHz to 928 MHz. An external amplifier is not authorized for use with this Motorola Canopy system and therefore the use of such external amplifier violates Part 15 of the Commission's rules ("Rules").¹

Radio stations must be licensed by the FCC pursuant to section 301 of the Communications Act of 1934, as amended ("Act").² The only exception to this licensing requirement is for certain transmitters using or operating at a power level or mode of operation that complies with the standards established in Part 15 of the Rules.³ Operation of an intentional radiator, such as the Motorola Canopy 9000APC AP transmitter, not in accordance with the regulations in Part 15 of the Rules, requires a license pursuant to the provisions of section 301 of the Act.⁴ Additionally, operation of an intentional radiator, such as the Motorola Canopy 9000APC AP transmitter, that

¹ 47 C.F.R. §§ 15.201, 15.204.

² 47 U.S.C. § 301.

³ 47 C.F.R. §§ 15.1 *et seq.*

⁴ 47 C.F.R. §§ 15.1(b); 47 U.S.C. § 301.

is not in compliance with the administrative and technical provisions of Part 15, including prior Commission authorizations, is prohibited under section 302 of the Act.⁵

Operation of radio transmitting equipment without a valid radio station authorization or in a manner not in compliance with the limits and parameters of the device's equipment authorization, constitutes a violation of the Federal laws cited above and could subject Wave2Net to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment.⁶

UNLICENSED OPERATION OF ANY TRANSMITTING DEVICE MUST CEASE UNTIL FULL COMPLIANCE WITH THE DEVICE'S EQUIPMENT AUTHORIZATION AND PART 15 OF THE FCC'S RULES IS ACHIEVED.

Wave2Net has ten (10) days from the date of this notice with information detailing the type of equipment associated with the Motorola Canopy 9000APC AP transmitter, including calculations concerning the total power output of the configuration in operation on the rooftop of the residence. The response should also describe the steps Wave2Net is taking to ensure that its operation at this location complies with Part 15 of the Commission's rules. In addition, Wave2Net should address allegations that it has installed amplifiers at customer locations. Wave2Net's response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974,⁷ we are informing you that the FCC's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information disclosed in the reply.

Wave2Net may contact this office with any questions.

Salomon Satche
District Director
Columbia District Office
Northeastern Region
Enforcement Bureau

Attachments: Excerpts from the Communications Act of 1934, as amended

⁵ 47 C.F.R. 15.1(c), 47 U.S.C. § 302a.

⁶ 47 U.S.C. §§ 401, 501, 503 and 510.

⁷ 5 U.S.C. § 552a(e)(3).